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Paper No. 25
Entered: October 15, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KATO et al.
Junior Party
(Patent 6,538,926)¹

v.

LOFGREN et al.
Senior Party
(Application 10/809,061)²

Patent Interference No. 105,567
(Technology Center 2800)

Before LEE, TIERNEY, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment -- Motions -- Bd. R. 127

¹ Based on Application 09/984,816, filed October 31, 2001. According to counsel for junior party, the real party in interest is Solid State Storage Solutions LLC (Paper 12). Accorded the benefit of Application 09/880,934, filed June 15, 2001; Application 09/630,426, filed August 1, 2000; Application 09/288,313, filed April 8, 1999; Application 09/124,794, filed July 30, 1998; Application 08/739,156, filed October 30, 1996; and Application 08/164,780, filed December 10, 1993.

² Filed March 24, 2004. Accorded the benefit of Application 10/785,373, filed February 23, 2004; Application 09/939,290, filed August 22, 2001; Application 09/657,369, filed September 8, 2000; Application 09/064,528, filed April 21, 1998; Application 08/931,193, filed September 16, 1997; Application 08/396,488, filed March 2, 1995; and Application 07/736,733, filed July 26, 1991. The real parties in interest are SanDisk Corporation and Western Digital Corporation (Paper 5).

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1 Junior party Kato did not intend to file any priority motion and was not authorized to file
2 any other motion (Paper 23). Senior party Lofgren was authorized to file an amendment to all its
3 involved claims changing each instance of “buffer memory” to “shift register” (Paper 23). The
4 amendment has been received. Junior party Kato has not filed a request for rehearing of the
5 order, dated September 12, 2007, not authorizing motions (Paper 23). Accordingly, it is

6 **ORDERED** that judgment on priority as to the subject matter of Count 1 is herein
7 entered against junior party Kato et al.;

8 **FURTHER ORDERED** that junior party Kato et al. is not entitled to a patent containing
9 its patent claims 1, 8-12, and 14-18 which correspond to Count 1;

10 **FURTHER ORDERED** that if there is a settlement agreement, the parties should note
11 the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

12 **FURTHER ORDERED** that a copy of this judgment be placed in the respective
13 involved application or patent of the parties

/ss/ Jameson Lee)
JAMESON LEE)
Administrative Patent Judge)
)
)
)
/ss/ Michael P. Tierney) BOARD OF PATENT
MICHAEL P. TIERNEY) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
)
/ss/ James T. Moore)
JAMES T. MOORE)
Administrative Patent Judge)

Interference No. 105,567

Kato v. Lofgren

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